

COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE
PENNSYLVANIA HUMAN RELATIONS COMMISSION

AARON S. GLICK,
Complainant

v.

VALLEY HARDWARE,
Respondent

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DOCKET NOS. P-3412
P-3544

STIPULATIONS IN LIEU OF PUBLIC HEARING

CONCLUSIONS OF LAW

OPINION

RECOMMENDATION OF HEARING PANEL

FINAL ORDER

5. Valley Hardware is a place of public accommodation which is open to and accepts the patronage of the general public.

a. Valley Hardware advertises in the newspaper and in a Southern Lancaster County Business Directory. See Appendices "A" and "B", attached and incorporated by reference as if fully set forth.

6. Complainant, Aaron Glick, owns the Maplehofe Dairy.

7. Complainant was formerly a member of the Old Order Amish Church.

a. In about 1945, he abandoned the Old Order Amish way of life by farming with a tractor and attending Mennonite Sunday School.

b. As a result, Complainant is shunned by the Old Order Amish.

8. Christ B. Stoltzfoos is Old Order Amish and shuns Complainant as part of his religious observance.

9. Complainant has come to Valley Hardware on several occasions, including May 3, 1990, June 16, 1990, and December 13, 1990, intending to purchase merchandise, but Mr. Stoltzfoos refuses to take money from him personally or to accept his check.

10. Mr. Stoltzfoos has informed Complainant that he is willing to permit Complainant's sons to purchase merchandise for Complainant using the Maplehofe Dairy check if the check is not signed by Complainant.

11. Complainant feels that because of his religious creed, Respondent is denying him the privileges of a place of public accommodation.

12. Respondent states that he treats Complainant differently than members of the general public because "he had been Amish and no longer is."

13. Complainant has filed two complaints which charge Respondent with religious discrimination in connection with the operation of a place of public accommodation in violation of Section 5(i)(1) of the Pennsylvania Human Relations Act. Copies of those complaints, P-3412 and P-3544, as amended, are attached as Appendices "C" and "D" and are incorporated by reference as if fully set forth.

14. Mr. Stoltzfoos has not filed formal answers to the complaints but has addressed the allegations in two letters to Commission representatives, received on September 6, 1990 and April 1, 1991. Copies of those letters are attached as Appendices "E" and "F" and are incorporated by reference as if fully set forth.

15. The administrative steps which precede the scheduling of a public hearing have been concluded in that:

a. On about March 10, 1992, a Commission investigator notified Respondent of her finding of probable cause;

b. Conciliation has failed although by letter, dated April 7, 1992, the investigator offered to conduct a conciliation conference in Lebanon or Lancaster, instead of Harrisburg, if Respondent were willing to attend;

c. On about July 9, 1992, the Commission's Executive Director notified the parties that the cases had been approved for public hearing and were placed on the public hearing docket at the Commission meeting held on June 29, 1992.

d. On about March 30, 1993, Permanent Hearing Examiner Phillip A. Ayers notified the parties that a pre-hearing conference had been scheduled for Wednesday, April 21, 1993 at 10:00 a.m. at the Commission's Headquarters.

Francine Ostrovsky
Francine Ostrovsky
Assistant Chief Counsel
Counsel for Commission on
behalf of the Complainant

May 4 1993
Date

Christ B. Stoltzfoos
Christ B. Stoltzfoos
d/b/a Valley Hardware

April 30, 1993
Date

CONCLUSIONS OF LAW

1. The Pennsylvania Human Relations Commission ("PHRC" or "the Commission") has jurisdiction over the parties and subject matter of the complaint.

2. The Pennsylvania Human Relations Act ("PHRA") recognizes as a civil right the opportunity for an individual to obtain all the accommodations, advantages, facilities and privileges of any public accommodation without discrimination because of religious creed.

3. Section 5(i)(1) of the PHRA makes it an unlawful discriminatory practice for an owner, proprietor or employee of a public accommodation to discriminate with respect to refusing, withholding or denying the privileges of such place of public accommodation to customers because of their religious creed.

4. Valley Hardware is a public accommodation within the meaning of Section 4(1) of the PHRA.

5. The procedural prerequisites to a final order and adjudication by the PHRC have been satisfied.

6. The Complainant has shown by a preponderance of the evidence that he has been discriminated against because of his religious creed by having been denied privileges enjoyed by the general public in connection with Valley Hardware.

7. The Respondent has committed an unlawful discriminatory practice within the meaning of Section 5(i)(1) of the PHRA.

8. Under Section 9 of the PHRA, the Commission has broad discretion in fashioning a remedy.

9. A cease and desist order is a remedy contemplated by Section 9(f)(1) of the PHRA.

O P I N I O N

This matter arises out of two complaints filed by the Complainant, Aaron S. Glick (hereinafter "Glick"), against Valley Hardware, Docket Nos. P-3412 and P-3544, with the Pennsylvania Human Relations Commission (hereinafter "PHRC").

In his complaint at Docket No. P-3412, Glick generally alleged that on several occasions Valley Hardware owners Chris (sic) and Samuel Stoltzfoos refused Glick the privileges of a place of public accommodation because Glick had abandoned the Amish creed. Glick alleged that on May 3, 1990, Chris and Samuel Stoltzfoos would not allow Glick to purchase hardware from Valley Hardware. Glick also alleged that on June 16, 1990, upon returning to Valley Hardware, Chris and Samuel Stoltzfoos refused to accept Glick's check because Glick had disassociated himself from the Old Order Amish Church. In effect, Glick alleges Chris and Samuel Stoltzfoos shunned him.

Glick's complaint at Docket No. P-3544 alleges additional instances of being refused the privileges of the public accommodation, Valley Hardware. Glick alleges that on December 13, 1990, Calvin Beiler, an employee of Valley Hardware, refused to accept his check for merchandise Glick wanted to purchase. Glick further alleges that on the following day, and again on March 30, 1991, Chris Stoltzfoos refused Glick's checks. In effect, Glick alleges he was subjected to the Old Order Amish religious practice of shunning because he had disassociated himself from the Old Order Amish.

Such allegations assert that Respondent owners, Chris Stoltzfoos and Samuel Stoltzfoos, and their employee, Calvin Beiler, violated Section 5(i)(1) of the Pennsylvania Human Relations Act of October 27, 1955, P.L. 744, as amended, 43 P.S. §§951 et seq. (hereinafter "PHRA").

PHRC staff conducted an investigation of the complaint and found probable cause to credit the allegations raised in the complaint. After the finding of probable cause, PHRC endeavored to resolve the matter with the parties through conference, conciliation and persuasion, but such efforts were unsuccessful. Thereafter, PHRC staff, on July 9, 1992, notified all parties that the matter had been approved for the convening of a public hearing. Subsequent to the approval for public hearing, a pre-hearing conference was held on April 21, 1993, at the Commission's headquarters. After the pre-hearing conference, the parties agreed to submit the instant case on legal briefs. Thereafter, Commission counsel submitted a Brief in Lieu of Public Hearing, and A. S. Kinsinger, Sr., Chairman, Old Order Amish Steering Committee, submitted a statement on behalf of the Respondent.

In order to properly address the legal issues in the instant case, it is necessary to give a brief description of the factual scenario. Prior to 1945, Glick was a member of the Old Order Amish Church. On or about 1945, Glick abandoned the Old Order Amish way of life by farming with a tractor and attending a Mennonite Sunday School. Because of these activities, Glick is shunned by members of the Old Order Amish.

As partners, Christ Stoltzfoos and Enos K. King own Valley Hardware. Christ Stoltzfoos has a 95 percent ownership interest in Valley Hardware.

Christ Stoltzfoos' religion is Old Order Amish, and consistent with religious dictates of the Old Order Amish faith, he shuns Glick. Christ Stoltzfoos' religious practice of shunning Glick includes treating Glick differently than others when Glick patronizes Valley Hardware. On several occasions, Christ Stoltzfoos refused to either take money from Glick or accept his check.

Section 5(i)(1) of the PHRA provides, in relevant part:

It shall be an unlawful discriminatory practice . . . [f]or any person being the owner, lessee, proprietor, manager, superintendent, agent or employee of any public accommodation . . . to: refuse, withhold from, or deny to any person because of his . . . religious creed . . . either directly or indirectly, any of the accommodations, advantages, facilities or privileges of such place of public accommodation . . .

The initial concern in this matter is whether the Complainant is in fact being denied equal treatment (privileges) because of his religious creed. Section 5(i)(1) of the PHRA not only protects the physical right of access, but also the right to the privileges associated with a particular public accommodation. As Commission counsel notes, establishments such as Valley Hardware are expressly included in the PHRA definition of public accommodation.

As we review the Stipulations of Fact in this matter, it is clear that we are dealing with a direct evidence case. Valley Hardware admits that it is a place of public accommodation which is open to and accepts the patronage of the general public. (SF 5.) The Stipulations further provide that Christ Stoltzfoos, an owner of Valley Hardware, will neither accept Glick's money nor his check. (SF 3.) Stipulation 12 indicates that Christ

Stoltzfoos "states that he treats Complainant differently than members of the general public because 'he had been Amish and no longer is.'"

There is no question that Glick had been treated differently than other members of the general public. Here, Valley Hardware argues that the different treatment was not based on religious creed. In its statement, Valley Hardware submits that the "problem is strictly between Complainant personally and Respondent personally." However, Valley Hardware's statement also indicates, "Respondent has a full right to refuse any-ones (sic) personal or company check that he desires if he feels that there could be a risk. Respondent has reason to feel that Complainant could be a risk for the reason that he was not faithful or true to the church and his commitment to the Old Order Amish Church which he made on his knees before God and men."

Just because Valley Hardware's owner does accept checks from members of Glick's current faith does not mean that Stoltzfoos' disparate treatment of Glick is not a denial of the privileges of a public accommodation because of Glick's religion. The religious aspect here is that Glick had been Old Order Amish and changed his religious affiliation to the Mennonite faith. Disparate treatment for this reason is a denial of equal treatment because of religion. Accordingly, Glick has established a denial of the privileges of Valley Hardware because of his religion.

Because under the circumstances present here Section 5(i)(1) affords some protection of Glick's religion, we must inquire whether the PHRA's prohibition against discrimination in this matter violates the Establishment Clause of the federal constitution. This discussion deals

with the question of whether the PHRA's prohibition in effect establishes Glick's religion.

The First Amendment provides that "Congress shall make no law respecting an establishment of religion . . ." The major case in this area is Lemon v. Kurtzman, 403 U.S. 702, 91 S.Ct. 2105 (1971). Lemon sets forth a three-pronged test to decide whether government action violates the Establishment Clause. In order to be valid, the government action must:

- 1) have a secular purpose;
- 2) neither advance nor inhibit religion in its primary effect; and
- 3) not foster excessive governmental entanglement with religion.

Clearly in the instant case, the PHRA has the secular purpose of upholding the goal of eliminating discrimination in the area of public accommodations. Secondly, the primary effect of Section 5(i)(1) of the PHRA neither advances a religion nor inhibits a religion. The primary effect of Section 5(i)(1) is to eliminate discrimination in public accommodations. Lastly, in the matter before the Commission, it cannot be said that an excessive entanglement between government and religion would result.

We thus turn to Valley Hardware's general assertion that the application of Section 5(i)(1) to its owner's exercise of a religious activity violates Christ Stoltzfoos' rights under the Free Exercise Clause of the First Amendment.

The Free Exercise Clause provides that "Congress shall make no law . . . prohibiting the free exercise [of religion]." U.S. Constitution, First Amendment. A similar article is found in the constitution of Pennsylvania, which provides:

All men have a natural and indefensible right to worship Almighty God according to the dictates of their own consciences . . .

Pa. Const., Art. 1 and 3.

The Free Exercise Clause of the First Amendment was made applicable to the states by incorporation into the Fourteenth Amendment. Cantwell v. Connecticut, 310 U.S. 296, 303 (1940). Clearly this clause has always been interpreted to mean the right to believe and profess whatever religious doctrine one desires. Therefore, the First Amendment excludes all "governmental regulation of religious beliefs as such." Sherbert v. Verner, 374 U.S. 398 (9 FEP Cases 1152) 1963.

The list of cases supporting this position of excluding governmental regulation is long: see, Torcaso v. Watkins, 367 U.S. 488 (1961); United States v. Ballard (punishing the expression of religious doctrines), 322 U.S. 78, 86-88 (1944); McDaniel v. Paty (imposing disabilities on the basis of religious views), 435 U.S. 618 (1978); and, lending governmental power to one side or the other in a controversy over religion, Presbyterian Church v. Hull Church, 393 U.S. 440 (1969). The case law is clear that the First Amendment rights should be recognized.

However, the instant case presents a different situation. Courts have established there are times when statutes may put a burden on religion, and not be found unconstitutional. To determine whether Section 5(i)(1) violates Christ Stoltzfoos' Free Exercise rights, we weigh three factors:

- 1) the magnitude of Section 5(i)(1)'s impact on the exercise of a religious belief;

2) the existence of a compelling state interest justifying the burden imposed upon the exercise of the religious belief; and

3) the extent to which recognition of an exemption from Section 5(i)(1) would impede the objectives sought to be advanced by the PHRA. See United States v. Lee, 455 U.S. 252, 257-58 (1982).

First, we recognize that mandating that Valley Hardware owners and employees end the shunning of Glick when he is a customer of Valley Hardware would have an impact on Christ Stoltzfoos' religious observance. However, it appears that the impact of such action would be neither unreasonable nor extreme. Such a mandate would not prevent the shunning of Glick entirely. In fact, such a mandate could be even less restrictive by allowing, when feasible, any Old Order Amish owner or employee of Valley Hardware to be exempt from waiting on Glick. Whenever a non-Old Order Amish employee is available, that individual could be assigned the duty of waiting on Glick. Of course, as a public accommodation, Valley Hardware could on no occasion refuse to accept Glick's money or check.

The strength of the state's interest in eradicating discrimination is compelling. See, e.g., EEOC v. Pacific Press Publishing Ass'n., 28 FEP 1596 (9th Cir. 1982). Protecting individual rights to be free from disparate treatment in public accommodations because of religious creed is a fundamental purpose of the PHRA.

Finally, we consider whether mandating that Glick not be directly shunned while he is a customer of Valley Hardware is the least restrictive means of furthering the state's interest. Here, there is little doubt that subjecting Glick to continued shunning in a public accommodation would

seriously impede the goals of the PHRA. The rights of Old Order Amish at Valley Hardware do not alter this conclusion.

It is well settled that the right to a religious practice may be limited by a statute if "it is essential to accomplish an overriding governmental interest." EEOC v. Townley Engineering and Mfg. Co., 47 FEP 1601 (9th Cir. 1988), citing United States v. Lee, 455 U.S. 252 (1982).

While sensitive to the needs flowing from the Free Exercise Clause, we also recognize that every person cannot be shielded from all the burdens incident to exercising every aspect of the right to practice religious beliefs. When followers of a particular sect enter into commercial activity as a matter of choice, the limits they accept on their own conduct as a matter of conscience and faith are not to be superimposed on the statutory schemes which are binding on others in that activity. United States v. Lee, 455 U.S. 252 (1982).

Here, we find that Section 5(i)(1)'s prohibition against religion-based disparate treatment in using the privileges of a public accommodation does not unduly burden either owners or employees of Valley Hardware in the exercise of the religious practice of shunning a past Old Order Amish member. Here, the goals of the PHRA are served by protecting Glick from direct shunning at Valley Hardware. Accordingly, an appropriate Final Order follows.

COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE
PENNSYLVANIA HUMAN RELATIONS COMMISSION

AARON S. GLICK,
Complainant

v.


VALLEY HARDWARE,
Respondent

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DOCKET NOS. P-3412
P-3544

RECOMMENDATION OF HEARING PANEL

Upon consideration of the entire record in the above-captioned case, it is the Recommendation of the Hearing Panel that the Complainant has proven discrimination in violation of the Pennsylvania Human Relations Act. It is, therefore, the Hearing Panel's Recommendation that the attached Stipulations in Lieu of Public Hearing, Conclusions of Law, Opinion, and Final Order be approved and adopted by the full Pennsylvania Human Relations Commission. If so approved and adopted, this Hearing Panel recommends issuance of the attached Final Order.



Russell S. Howell, Commissioner
Hearing Panel Chairperson



Gregory J. Celia, Jr., Commissioner



Raquel Otero de Yiengst, Commissioner

COMMONWEALTH OF PENNSYLVANIA
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DOCKET NOS. P-3412
P-3544

FINAL ORDER

AND NOW, this 27th day of July, 1994, following review of the entire record in this case, including the exhibits, briefs and pleadings, the Pennsylvania Human Relations Commission hereby adopts the foregoing Stipulations in Lieu of Public Hearing, Conclusions of Law, and Opinion, and in accordance with the Recommendation of the Hearing Panel, pursuant to Section 9 of the Pennsylvania Human Relations Act,

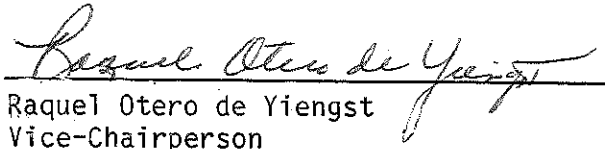
O R D E R S

1. that owners and employees of Valley Hardware cease and desist from the unlawful discriminatory practice of treating customers who have left the Old Order Amish differently than other customers who patronize Valley Hardware; and


2. within thirty days of the date of this Order, Respondent shall report on the manner of compliance with the terms of this Order by

letter addressed to Francine Ostrovsky, Assistant Chief Counsel at the Commission's Harrisburg Regional Office, located at 2971-E North Seventh Street, Harrisburg, PA 17110.

PENNSYLVANIA HUMAN RELATIONS COMMISSION

By: 
Raquel Otero de Yiengst
Vice-Chairperson

ATTEST:


Gregory J. Celia, Jr.
Secretary

APPENDIX "A"

chance, by appointing Tom to our board, to bring Rodale into the decision-making and management on Solid Waste management, and the U.S. Postal Service Mailers Technical Advisory Committee.

TOOL SALE

Direct from Factory to Our Door Saves You

up to **40%** on Tools

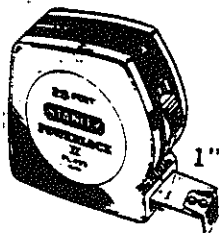
Famous Name Brands

Lufkin, Plumb

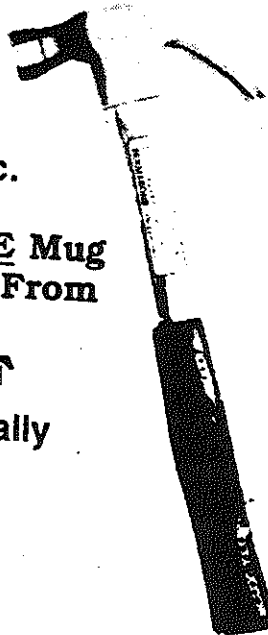
Stanley, Irwin

Disston, Wiss

S.K. Exact and etc.



1" Wide Blade



Special 10% OFF And A **FREE** Mug
For Anyone Buying \$150.00 Or More From
November 30th 'Til Christmas

Extra Special 15% OFF
For Anyone Buying \$250.00 You Actually
BUY BELOW Dealers Cost!

You Also Receive A **FREE** Mug
And Calculator

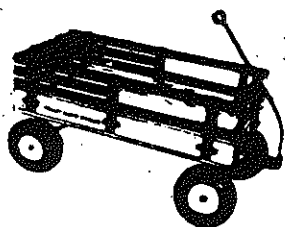
Sale Runs Nov. 30 'til Christmas

Discount applies to Peerless batteries, toys,
games, tools, cookware, wagons and all gifts.

**SPECIAL - Victoria
Strainers \$31.95**

**We Have A Good Supply
Of Farberware Cookware**

VALLEY ROAD SPEEDER WAGONS



MODEL 350-

10" Air Tires,
20"x40" Bed

\$140

With Racks

Also Available - Two Newer Models:

MODEL 1300-*
13" Air Tires, 24"x48" Bed
Brakes

w/out
Racks **\$138** w/Racks **\$158**

Small MODEL 175-
10x175 Wheels, 16"x36"

Bed **\$79.95** w/Racks

* Will Ship U.P.S. Anywhere In The U.S. (Except Model 1300) - You Pay Shipping In Advance Or We Will Bill

Valley Hardware

Feed Carts - Express Wagons - Hardware

Martin Senour Paint - Kendall Motor Oils

958 Vintage Road, Christiana, PA 17509

Hours:

6:30 AM - 7:00 PM, Except Wed., Thurs. 6:30 AM - 4:00 PM. Sat. 6:30 AM - 2:00 PM
Please Contact Us If You Wrote A Check to Valley Hardware Between Aug. 1 & Aug. 10.
We Need Your Help In Locating A Deposit. Thank You



VD

Field Ag & Turf
Center, Inc.
RR 2 Box 212
Patsontown, PA 17777
717-538-3557

NEW JERSEY

Caldwell Tractor &
Equipment, Inc.
480 U.S. Route 46
Fairfield, N.J. 07006
201-227-6772

Rodlo Tractor Sales
North White Horse Pike
Mumtonton, N.J. 08037
609-561-0141

Frank Rymon & Sons,
Inc.

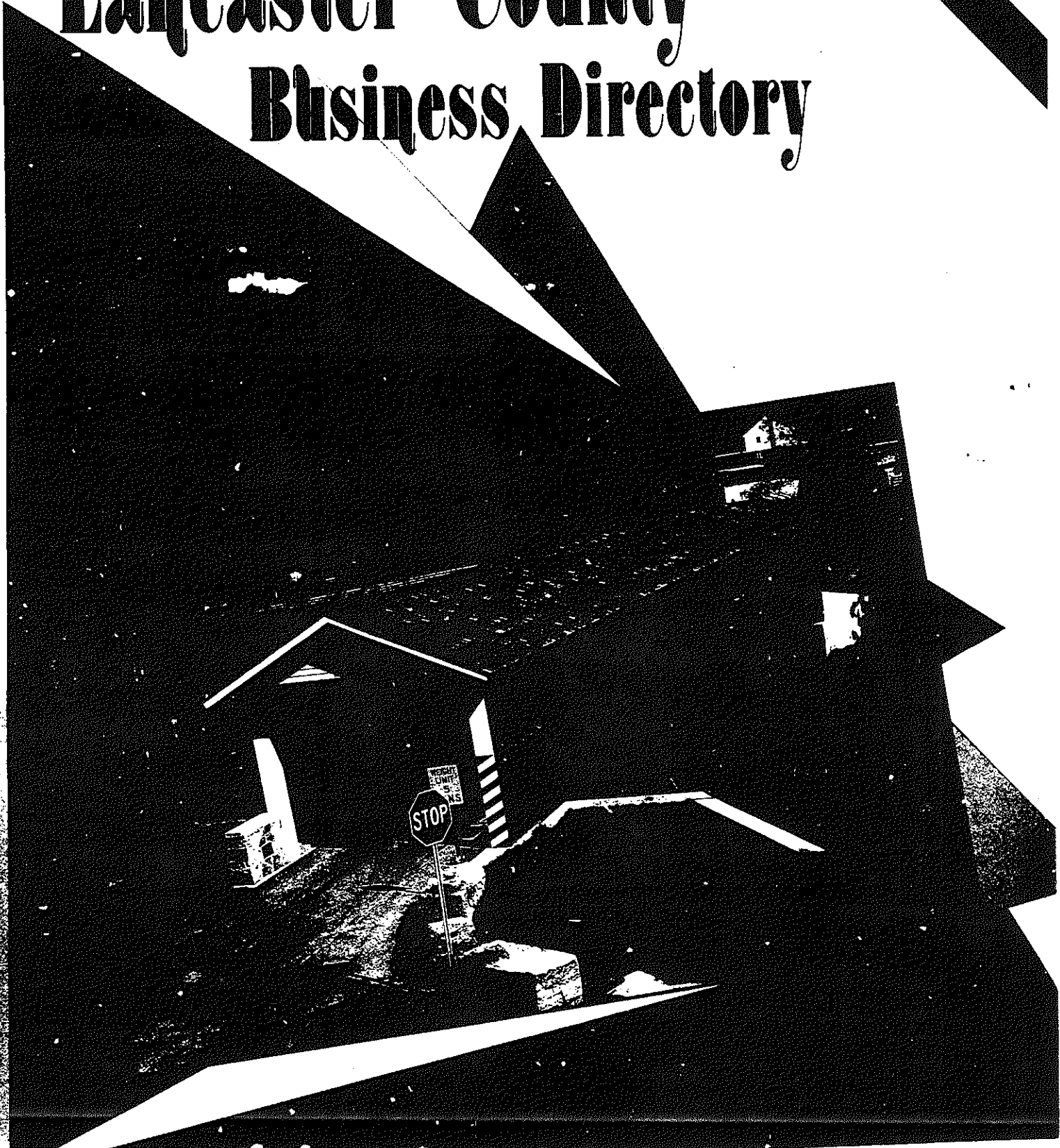
RD 3, Box 355
Washington, N.J. 07882
201-689-1464

Seed Brothers
Pat Bridge Rd.
N.J. 08022
201-657-3363

APPENDIX "B"

Southern Lancaster County Business Directory

FREE





Black Plastic
Collar Caps

Peach Lane Collar Shop

Jonas K. Esh

Manufacturer of All Sizes Horse Collars
Pony Collars - No Choke Collars
Regular Field Collars - Driving Collars

Box 87 - Peach Lane
RONKS, PA 17572

ZOOK'S UTILITY SHEDS



368 Vintage Road
Paradise, PA 17562
(717) 442-9811

**Storage Sheds • Gazebos
Lawn Furniture • Garages**

Long Lane Greenhouse

1977A Mine Road
PARADISE, PA 17572



Flowers • Bedding Plants • House Plants
Garden Seeds • Outside Planters • Dish Gardens
Poinsettes • Garden Mums
EASTER & MOTHER'S DAY BASKETS

HOURS: 7:00 a.m. - Dark Monday thru Friday
Saturday 7:00 a.m. - 5:00 p.m.
CLOSED SUNDAYS

Countryside Gazebos

Samuel L. Glick



1323 Georgetown Road
Quarryville, PA 17566

Leave Message at 717-786-3560

Country View Wheel Shop

556 White Oak Road
Christiana, PA 17509

- New Wheels & Wheel Repairing
- Carriage Wheels Made-to-Order
(Bareville Woodcraft bolted hub)
- Reiff Wheels
- Standard Sizes In Stock
- Wheel Repairing
- Rubber Tiring
- Brake Drums Mounted

Eli B. Fisher

Vintage Road

Bake Shop ★ Greenhouse

Wholesale & Retail

Wholesale & Retail

889 Vintage Road

903 Vintage Road

CHRISTIANA, PA 17509



HOME OF
VALLEY ROAD
SPEEDER



VALLEY HARDWARE

TOOLS - HOUSEWARES

MARTIN SENIOUR PAINT - KENDALL MOTOR OIL

Our Woodwork Dept. Mfg's

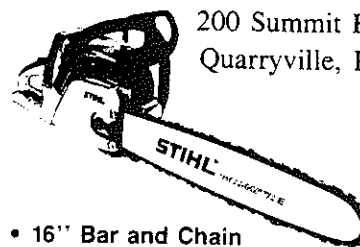
WAGONS, FEED CARTS, SCOOTERS, etc.

Mon., Tue., & Fri. 6:30-7:00
Wed. & Thurs. 6:30-4:00
Sat. 6:30-2:00

Corner of Vintage & Valley Rd.
958 Vintage Road
Christiana, PA 17509

Summit Hill Chain Saw Shop

Stihl Equipment Sales & Service



200 Summit Hill Road
Quarryville, PA 17566

- 16" Bar and Chain
- Lifetime Ignition
- Quickstop Inertia Chain Brake

Christian L. Riehl

APPENDIX "C"

EXECUTIVE OFFICE
PENNSYLVANIA HUMAN RELATIONS COMMISSION



AMENDED
COMPLAINT

COMPLAINANT(S):

AARON S. GLICK

vs.

Docket No. P-3412

RESPONDENT(S):

VALLEY HARDWARE

1. The Complainant(s) herein (is) (are):

Name: Aaron S. Glick

Address: 795 Robert Fulton Highway, Quarryville, Pa. 17566

Name: _____

Address: _____

Name: _____

Address: _____

2. The Respondent(s) herein (is) (are):

Name: Valley Hardware

Address: 958 Vintage Road, Christiana, Pa. 17509

Name: _____

Address: _____

Name: _____

Address: _____

The Complainant(s) allege(s) that on or about or until about _____

May 3, 1990 and again on June 16, 1990 _____

the Respondent(s)

refused him the privileges of a place of public accommodation.

A. I, the Complainant, further allege:

1. On May 3, 1990, I went to the Respondent to purchase hardware.

2. When I went to pay for the items, Chris and Samuel Stoltzfoos owners, stated to me:

a. "You were in before and I told you not to come back."

3. I then left without paying for the items.

4. On June 16, 1990, I again returned to the Respondent's place of business to purchase items.

5. Chris Stoltzfoos inquired as to how I was going to pay for the items.

a. I stated to him by check.

b. He then told me that in no way was he going to take my check.

6. I then left the store.

B. Chris and Samuel Stoltzfoos stated that the reason they didn't accept my check was because I had disassociated myself from the Old Order Amish Church.

C. I further allege that the Respondent denied me the privileges of a place of public accommodation because I have abandoned the Amish Creed.

1. I have been shunned upon because I disassociated myself from the Old Order Amish Church

2. Chris and Samuel Stoltzfoos are Old Order Amish.

a. They own and operate Valley Hardware.

3. Chris and Samuel Stoltzfoos have refused me the privileges of their place of public accommodation because I left the Old Order Amish Church.

4. Valley Hardware is open to and accepts the patronage of the general public.

5. The owners and operators of Valley Hardware permit customers to pay for items with checks.

6. I have been denied this privilege.

4. The allegations in paragraph 3 thereof constitute(s) an unlawful discriminatory practice or unlawful practice and is in violation of:

Pennsylvania Human Relations Act (Act of October 27, 1955, P.L. 744, as amended).
Section 5 Subsection(s) (1) (i)

Section 5.1 Subsection(s) _____

Section 5.2 Subsection(s) _____

Pennsylvania Fair Educational Opportunities Act (Act of July 17, 1961, P.L. 766 as amended)
Section 4 Subsection(s) _____

5. The Complainant(s) allege(s) that the alleged unlawful discriminatory practice or unlawful discriminatory practices:

is/are of a continuing nature which has/have persisted up to & including the present time

6. No other action based on the aforesaid allegations has been instituted by the Complainant in any Court or before any other Commission within the Commonwealth of Pennsylvania except as follows:

NONE

This charge will be referred to EEOC for the purpose of dual filing.

This charge will be referred to HUD for the purpose of dual filing.

7. The Complainant(s) pray that the Respondent(s) be required to:

(a) Make the Complainant(s) whole, including, but not limited to an award of back pay, hiring, reinstatement, upgrading, & restoration of job benefits; or to provide the housing sought or the loan sought in connection with housing.

(b) Eliminate all unlawful discriminatory practice(s) & procedure(s).

(c) Remedy the discriminatory effect of past practice(s) & procedure(s).

(d) Take further affirmative action necessary & appropriate to remedy the violation complained of herein.

(e) Provide such further relief as the Commission deems necessary & appropriate.

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF DAUPHIN

:
:
SS:
:

AARON S. GLICK, of full age, being duly sworn according to law deposes and says: that he is the Complainant herein; that he has read the foregoing complaint and knows the content thereof; that to the best of his knowledge, information and belief the facts alleged therein are true.

Sworn to and subscribed before me this 5th day of August, 1991.
Marya B. Cannon, Notary Public
Harrisburg, Dauphin County
Notary Public, Commission Expires 10-27-1994

Aaron S. Glick
Signature of Complainant(s)

My Commission Expires:

I HEREBY CERTIFY THAT I HAVE THIS DAY SERVED
THE FOREGOING DOCUMENT UPON ALL PARTIES OF
RECORD IN THIS PROCEEDING IN ACCORDANCE WITH
THE REQUIREMENTS OF 1 PA. CODE § 33.31 (RE-
LATING TO SERVICE BY THE AGENCY).

DATED AT THIS 16th DAY OF April
19 91.

Carol J. Panny
SIGNATURE

APPENDIX "D"

The Complainant(s) allege(s) that on or about or until about _____

December 13, 1990 and to the present _____

the Respondent(s)

refused him the privileges of a place of public accommodation.

A. I, the Complainant, further allege:

1. On July 18, 1990, I filed a complaint with FHRC against the Respondent for refusing me the privileges of a place of public accommodation.

a. It was served on the Respondent on August 9, 1990.

2. On December 13, 1990, Calvin Beiler, employee of Valley Hardware refused to accept my check for a ladder and some hardware.

a. Calvin told me to take the ladder and come back the next day when Chris Stoltzfoos, owner was there.

3. On December 14, 1990 I went back to the store.

a. I offered to pay Chris the money I owed him by check.

b. He told me he wouldn't take my check.

c. Chris and Calvin tried to pressure me to call Harrisburg and drop my previous complaint.

d. I told them no way.

4. When I was on my way out the door Chris told me to make a check out to Calvin to pay for the ladder.

a. I told Chris I would not make a check out to Calvin because I didn't buy anything from him.

b. I bought it from Valley Hardware.

5. I then left the store.

6. I went home and made a check out to Valley Hardware and sent it to Chris.

7. On or about the following Wednesday I received the check back in the mail from Chris.

a. He wrote a note stating the amount is incorrect and was

signed by me.

- b. He requested a check not signed by me and/or cash because of religious reasons.

8. On the following day I sent Chris a check with the correct amount.

- a. I never received the check back.
- b. The check was made out to Valley Hardware.
- c. It was signed by me.

9. On or about March 30, 1991 my sons went to Valley Hardware to buy 2 ladders and hardware supplies.

- a. Chris helped load the ladders.
- b. When he went to check my sons out, he saw my check.
- c. He told my sons no way.
- d. He stated, "I told your dad I would not accept his check because of religious reasons."
- e. An employee wrote my sons out a receipt.

B. Chris Stoltzfoos stated that the reason he didn't accept my checks was because I had disassociated myself from the Old Order Amish Church.

C. I further allege that the Respondent denied me the privileges of a place of public accommodation because I have abandoned the Amish Creed and or in retaliation for filing charges with PHRC, in that:

1. I have been shunned because I disassociated myself from the Old Order Amish Church.

2. Chris and Samuel Stoltzfoos are Old Order Amish.

3. The Valley Hardware is open to and accepts the patronage of the general public.

4. Gideon King, Bishop of the Old Order Amish Church, owns a hardware store.

- a. He sells to individuals who have disassociated themselves from the Old Order Amish Church.
 - b He accepts checks from people who have disassociated themselves from the Old Order Amish Church.
5. Chris and Samuel Stoltzfoos refuse to accept my checks.
 6. Chris and Samuel Stoltzfoos permit others to pay by check.

4. The allegations in paragraph 3 thereof constitute(s) an unlawful discriminatory practice or unlawful practice and is in violation of:

Pennsylvania Human Relations Act (Act of October 27, 1955, P.L. 744, as amended).
Section 5 Subsection(s) (i) (1)

Section 5.1 Subsection(s) _____

Section 5.2 Subsection(s) _____

Pennsylvania Fair Educational Opportunities Act (Act of July 17, 1961, P.L. 766 as amended)
Section 4 Subsection(s) _____

5. The Complainant(s) allege(s) that the alleged unlawful discriminatory practice or unlawful discriminatory practices:

is/are of a continuing nature which has/have persisted up to & including the present time

6. No other action based on the aforesaid allegations has been instituted by the Complainant in any Court or before any other Commission within the Commonwealth of Pennsylvania except as follows:

NONE

This charge will be referred to EEOC for the purpose of dual filing.

This charge will be referred to HUD for the purpose of dual filing.

7. The Complainant(s) pray that the Respondent(s) be required to:

(a) Make the Complainant(s) whole, including, but not limited to an award of back pay, hiring, reinstatement, upgrading, & restoration of job benefits; or to provide the housing sought or the loan sought in connection with housing.

(b) Eliminate all unlawful discriminatory practice(s) & procedure(s).

(c) Remedy the discriminatory effect of past practice(s) & procedure(s).

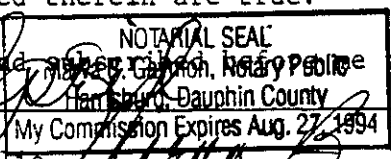
(d) Take further affirmative action necessary & appropriate to remedy the violation complained of herein.

(e) Provide such further relief as the Commission deems necessary & appropriate.

COMMONWEALTH OF PENNSYLVANIA :
 : SS:
COUNTY OF DAUPHIN :

AARON S. GLICK, of full age, being duly sworn according to law deposes and says: that he is the Complainant herein; that he has read the foregoing complaint and knows the content thereof; that to the best of his knowledge, information and belief the facts alleged therein are true.

Sworn to and signed before me this 5th day of August, 1991.
Notary Public [Signature]
My Commission Expires Aug. 27, 1994



[Signature]
Signature of Complainant(s)

My Commission Expires:

I HEREBY CERTIFY THAT I HAVE THIS DAY SERVED
THE FOREGOING DOCUMENT UPON ALL PARTIES OF
RECORD IN THIS PROCEEDING IN ACCORDANCE WITH
THE REQUIREMENTS OF 1 PA. CODE § 33.31 (RE-
LATING TO SERVICE BY THE AGENCY).

DATED AT THIS 16th DAY OF April
19 91.

Carol J. Panoj
SIGNATURE

APPENDIX "E"



VALLEY HARDWARE
 TOOLS - HOUSEWARES
 MARTIN SENOUR PAINT - KENDALL MOTOR OIL
 958 VINTAGE ROAD
 CHRISTIANA, PA 17509



90 SEP -6 AM 11:03

RECEIVED BY
 PA HUMAN RELATIONS COMM.
 HBG. REGIONAL OFFICE

Pa Human Relations Commission
 2971 - E North Seventh St.
 Harrisburg Pa 17110-2123

Dear Sirs

I'm regard to the complaint of Aaron S. Glick
 He states that on May 3, 1990 and June 16, 1990 he was in our Store
 which is true but what he doesn't state is he had been in our Store
 about 2 years before this and we had discussed the situation and we
 thought he was satisfied however after around 2 years he has had
 a disagreement with another Amish Businessmen therefore he has brought
 us back in the picture again and came to our Store and tried to
 start a disagreement again and wanted to buy a gal of paint and a
 wrench. We then told him we thought you have understood that we
 sell you because of Religious reasons. Aaron wanted to argue
 and I said I won't argue with you but you can take these items
 along if you need them free of charge which he did and later we
 found out he took this home and boasted to his help I got something
 free today this was about May 3, 1990 in the meantime Aaron has
 a disagreement with his helper and he got his Minister involved
 they are Mennonites. Aaron's helper told his Minister Ernest Munnaw
 about Aaron giving us a Hassle and Ernest was here and wanted
 information about this to help his case to settle their disagreement.
 However this really got Aaron upset and he came to our Store
 with his Grandson and put a lot of things on our counter to buy.
 This we feel was to really try us on our Religion.

over

Now on the Compl. to We disagree with
#2 Aaron States Chris and Samuel Stoltyfoos Stated
you were in before and I told you not to come back!
this we state is not true We told him he k-nows better
to buy from us as he had been amish and no longer is and
we have talked about this before he tried to start a argument
but I walked away from him and said I will not argue with you
C) he says we refused to accommodate him because of
his religious beliefs / Mennonite which is not true
as with great pleasure we buy and sell to a Member of
Mennonites that have not been with our Church therefore we
do not shun them. We have been in business since 1970
and have had quite a few people come to our store that we
shun and have talked to them just like we did with Aaron
the first time he was in our store everybody else has respected
us on this except Aaron and we feel we and the Relations
Commission can not help us if Aaron does not cooperate
We have told Aaron that He can sent his Sons to our store
if he needs items and we will sell it to them therefore he could
still get items from our store if he needed them
However we feel there is no advantage in coming to the
Conference scheduled on Sept 10, 1990 also we could not come that
day as we have a Business Meeting that day so please cancel the
conference for us

Sincerely
Christ B. Stoltyfoos
Samuel S. Stoltyfoos

APPENDIX "F"



VALLEY HARDWARE
TOOLS - HOUSEWARES
MARTIN SENOUR PAINT - KENDALL MOTOR OIL
958 VINTAGE ROAD
CHRISTIANA, PA 17509



Dear Madam,

In answer to the Complaint served by Aaron Glick on December 13, 1990 when Aaron was in my store I was at a wedding and my employees Calvin Beiles and Jacob Fisher were clerking the store. When Aaron came in, Aaron and his wife and a Grandson put things on the counter and paid for them to Calvin Beiles in cash, they ~~also~~ also had a Man with them that would not identify himself these people then left the store Building and soon returned and Aaron said he wants to purchase a ladder for around \$299.00 but must pay this by check. My employees said they can not accept a check because of Religious Reasons. Aaron stood quite a argument and said such a religion is from the Devil. My employees then said they would have to come the next day when the Boss will be here, they then left the Building and looked the ladder and the Man that was with them took pictures of the outside of the Building and parking lot and then left without paying the ladder. Aaron and the other Man returned the next Day and I right away asked for identification of this other Man he didn't seem to want to identify himself but I insisted and then he said he was from the Sun Ledger Newspaper. He later told me Aaron had asked him to wear Farmers clothes so it would look like he would be a farmer friend to Aaron. However he refused to do that, we then tried to get to a agreement over →

And I recommended the 10. 111 agreement running on over and a
check signed by anyone that the amish do no shun, but
aaron just kept saying Shunning is from the devil
However I - we understand the Pa. law says we should
sell anyone regardless of race or religion but we also must
abide of the rules of the amish Church. We have had quite
a few people in our store since we started in Business in
1970 that we shun but always before we could explain
to them and they would not bother us anymore, However
with aaron it don't seem to work that way.
I have told aaron I will not take a check signed by him
and do not want to go back on my word.

Sincerely
Christ B. Stoltyfoor

91 APR -1 2112:00
RECEIVED BY
PA HUMAN RELATIONS COM. 1130
1130. RES. HAI 1130